

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**CHINA NICOLE DALTON**

**PLAINTIFF**

**vs.**

**CIVIL ACTION NO. 1:16CV161-RP**

**COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**ORDER GRANTING PAYMENT OF ATTORNEY'S FEES**

Plaintiff filed a motion initially seeking an award of attorney's fees of \$6,138.00 paid under the Equal Access to Justice Act, 28 U.S.C. Section 2412 and an award of \$400.00 in litigation expenses. Docket 17. Defendant objected to the Consumer Price Index (CPI) used by plaintiff to calculate the hourly rate for attorney's fees and to the reimbursement for travel time to and from the hearing. Docket 18. Plaintiff filed a reply brief conceding the hourly rate of \$190.86 per hour for 2016 and \$193.92 per hour for 2017. Docket 19. However, plaintiff still seeks full reimbursement for travel time to and from the hearing. *Id.*

Having reviewed the motion and briefs of both parties, the court finds that all time submitted by plaintiff, including travel time to and from the hearing, should be included in the award of attorney's fees. There is no dispute that plaintiff's counsel was required to travel to and attend the hearing set by the court. Further, this court finds that because plaintiff's counsel was very conservative in his billing of the travel time, an award for the entire amount of travel time is only fair. Therefore, it is

**ORDERED**

that the defendant pay the plaintiff \$5,941.91 in attorney's fees (22.75 hours x \$190.86 plus

8.25 hours x \$193.92) and \$400.00 in litigation expenses and mail the award to plaintiff's attorney.

This, the 21<sup>st</sup> day of August, 2017.

/s/ Roy Percy  
UNITED STATES MAGISTRATE JUDGE